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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/774,078  | 02/06/2004  | Lukas Eisermann      | 31132.122                       | 7137                   |
| 46333 7590 09/25/2007<br>HAYNES AND BOONE, LLP<br>901 MAIN ST<br>SUITE 3100<br>DALLAS, TX 75202 |             |                      | EXAMINER<br>SWIGER III, JAMES L |                        |
|   |             |                      | ART UNIT<br>3733                | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>09/25/2007         | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                          |                                      |   |  |
|--------------------------|--------------------------------------|---|--|
| <b>Interview Summary</b> | <b>Application No.</b><br>10/774,078 | <b>Applicant(s)</b><br>EISERMANN ET AL. |  |
|                          | <b>Examiner</b><br>James L. Swiger   | <b>Art Unit</b><br>3733                 |  |

All participants (applicant, applicant's representative, PTO personnel):

(1) James L. Swiger. (3)\_\_\_\_\_

(2) Greg Webb. (4)\_\_\_\_\_

Date of Interview: 18 September 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 20.

Identification of prior art discussed: Winslow (US Patent 6,063,088) and Aebi (US Patent 6,261,296).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

EDUARDO C. ROBERT  
SUPERVISOR/PATENT EXAMINER

 9/18/07

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Representative for applicant requested clarification of the interpretation of the 35 USC 103 rejection of Winslow and Aebi et al. Examiner explained that the claim was being interpreted as the implantation device (front of Aebi et al.) is just adjacent to the alignment instrument via a clamp and "operatively" connected. Operatively connected was interpreted broadly as "used in conjunction" or "associated with" and not necessarily where the clamp connects the implantation and alignment instrument together for use. Better defining the use of the clamp was suggested. Further amendments may require additional search and consideration .